

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.16086 of 2024

ORDER:

This Criminal Petition is filed under section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of pre-arrest bail to the petitioner who is arrayed as accused in Crime No.1174 of 2024 of Rajendranagar Police Station, Cyberabad.

2. The brief facts of the case are that the 02.12.2024 at 20.00 hours, the *de-facto* complainant lodged a report stating that she her 2nd year degree and simultaneously undergoing nursing training at Lune Dental Hospital, Hyderabad. It is stated that during her training, she became acquainted with the accused and accused has sexually assaulted the victim under the pretext of marrying her. Hence, the case was registered vide Crime No. 1174 of 2024 of Rajendranagar Police Station, Cyberabad, for the offences punishable under Sections 69, 88 of BNS and Sections 3(2)(v) of SC ST POA Act, 2015.

3. Heard Sri S.M.Saifullah, learned counsel appearing on behalf of the petitioner as well as Sri Syed Yasar Mamoon,

learned Additional Public Prosecutor appearing on behalf of the respondent.

4. Learned counsel for the petitioner *firstly* submitted that the petitioner is innocent and he is no way concerned with the alleged offences. He *secondly* submitted that the petitioner had a consensual sexual relationship for a long time and it is a clear case of consensual relationship between two educated adults. He *lastly* submitted that the petitioner is resident of Bandlaguda, Hyderabad District, with movable and immovable properties, and is willing to furnish sureties as directed and prayed the Court to grant of anticipatory bail to the petitioner by allowing this criminal petition.

5. On the other hand, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioner stating that the allegation leveled against the petitioner is severe in nature and on the promise of marriage the accused sexually assaulted the complainant and the investigation is not yet completed and therefore, granting anticipatory bail to the petitioner, at this stage, does not arise. Hence, he prayed the Court to dismiss the criminal petition.

6. After considering submissions from both the parties and material available on record, it is apparent that the de-facto

complainant and accused met in the month of August, 2024, the relationship between the parties was consensual in nature and both are educated adults. It is pertinent to note that material part of investigation investigation is completed. Therefore, considering the facts and circumstances of the case, this Court is of the considered view that it is a fit case for granting of anticipatory bail to the petitioner.

7. Accordingly, this petition is allowed granting anticipatory bail to the petitioner subject to the following conditions:

- i. The petitioner shall surrender before the Station House Officer of P.S.Rajendranagar within two weeks from today, and on such surrender, the said Station House Officer shall release him on bail on executing a personal bond for Rs.25,000/- with two sureties, for the like sum each.
- ii. The petitioner shall appear before the concerned Station House Officer on every Monday between 9:00 A.M. to 5:00 P.M., for a period of eight (08)

weeks or till filing of charge sheet
whichever is earlier.

- iii. The petitioner shall abide by the other
conditions stipulated in Section 482(2)
of Bharatiya Nagarik Suraksha
Sanhita, 2023.

Miscellaneous applications, if any pending, shall stand
closed.

K. SUJANA, J

Date: 03.01.2025

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